UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1997/795
14 October 1997

ORIGINAL: ENGLISH

LETTER DATED 14 OCTOBER 1997 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey the attached letter dated 13 October 1997 which I have received from the Chairman of the International Monitoring Committee established pursuant to the mandate of the Inter-African Mission to Monitor the Implementation of the Bangui Agreements (MISAB).

Attached to the letter is the fifth periodic report of the Member States participating in MISAB, as requested by the Security Council in its resolution 1125 (1997) of 6 August 1997. I should be grateful if you would bring the letter and its enclosure to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN

97-27143 (E) 151097 151097 161097

Best copy available

/...

Annex

Letter dated 13 October 1997 from the Chairman of the International Monitoring Committee addressed to the Secretary-General

[Original: French]

I have the honour to transmit to you herewith the fifth report, covering the period from 1 to 15 October 1997, requested by the Security Council in paragraph 6 of resolution 1125 (1997) concerning the situation in the Central African Republic.

(Signed) General Amadou Toumani TOURÉ
Chairman of the International
Monitoring Committee

Enclosure

[Original: French]

Fifth report to the Security Council pursuant to resolution 1125 (1997) concerning the situation in the Central African Republic

(13 October 1997)

INTRODUCTION

1. This is the fifth report which the Security Council requested the Member States participating in MISAB to provide pursuant to paragraph 6 of resolution 1125 (1997).

2. This report describes developments in the situation in the Central African Republic from 1 to 15 October 1997.

POLITICAL LEADERSHIP

3. The International Monitoring Committee to supervise the implementation of the Bangui Agreements, chaired by General Amadou Toumani Touré, is the body which directs the actions of MISAB, since it receives the necessary political guidance directly from the heads of State concerned, and especially from the President of the Gabonese Republic, who is Chairman of the International Mediation Committee.

4. The International Monitoring Committee has adopted a plan of action which reflects the gist of the main provisions of the Bangui Agreements in the form of a timetable, which can be outlined as follows:

- Formation of a government of national union;
- Adoption of an amnesty law covering those who committed offences in the context of the third rebellion;
- Disarmament (surrender of weapons by the former rebels in honour and dignity, and recovery of weapons by MISAB from militias and civilian populations);
- Implementation of the recommendations of the General Meeting on National Defence;
- Situation of former heads of State;
- Suspension of the parliamentary audit;
- Final phase of national reconciliation through a number of actions aimed at consolidating peace and security (organization of regional

and sectoral awareness-raising seminars, organization of a National Reconciliation Conference, elaboration of an electoral code, access by political parties to the State media and other measures).

5. MISAB is under the patronage of President El Hadj Omar Bongo of Gabon, senior head of State of the International Mediation Committee. It is under the political authority of General Amadou Toumani Touré, Chairman of the International Monitoring Committee.

IMPLEMENTATION OF THE BANGUI AGREEMENTS

Implementation of the amnesty act covering offences relating to the third rebellion and the misappropriation of public funds under investigation

6. As indicated in earlier reports, the amnesty act, which was promulgated on 15 March 1997, was implemented with a great deal of pragmatism and understanding as regards the sanctions to be taken against citizens who might have been illegally in possession of weapons following the 15-day deadline established by the law. This pragmatism enabled the International Monitoring Committee to negotiate with the former rebels and to persuade them to hand over their weapons with honour and dignity. It also facilitated the organization and operation of the awareness-raising and weapons recovery campaign among the civilian population between 12 August and 3 October 1997 under the direction of the Technical Commission on Disarmament, headed by the Minister to the Office of the Minister for Territorial Administration, who is responsible for public security and disarmament.

Disarmament

7. This is, without a doubt, the most delicate phase of the national reconciliation process. The operation has two major components which have made it possible to carry out this operation effectively: (a) the awareness-raising and voluntary participation phase and (b) the investigation, intervention and implementation-of-the-law phase. The voluntary participation phase was the preliminary period which ended on 30 September 1997 as stipulated in the ministerial order of 5 September 1997. Its purpose was to raise the awareness of the Central African people by a campaign conducted on the radio, television and in the written press and also by putting up banners and posters bearing slogans supporting peace, national unity, national reconciliation and disarmament on the main roads of Bangui. Any patriotic citizens who turned in their weapons of their own accord were rewarded for doing so, in order to encourage all the other ones to return any weapons they might have had in their possession. It should be pointed out here that this was in no way a weapons buy-back operation.

8. After recovery of the weapons of the former rebels, the second phase of disarmament involved collecting weapons from civilians, militias and illegal holders of weapons. For this purpose the International Monitoring Committee, in agreement with the Government of the Central African Republic, recruited 10 resource staff (deputies, neighbourhood leaders, former rebels, opinion leaders) as chairmen of local disarmament committees in their respective zones. This

staff, following deployment to districts, established disarmament committees in each neighbourhood. Their role was to inform the local population through neighbourhood meetings, rallies, talks, discussions and small gatherings and neighbourhood visits, so as to convince the population of the need to turn in illegally held weapons.

9. The United Nations Development Programme (UNDP), thanks to the constantly expressed commitment of its Resident Representative in Bangui, Mr. Pierre Etienne Ly, established funding in the amount of 40,000 United States dollars (using funds from project CAF/97/001) for the 10 resource staff, dignitaries, neighbourhood leaders and opinion leaders. People voluntarily turning in weapons or helping in their collection received a token reward. The reward, in the amount of 2,500 to 5,000 CFA francs ($5 to $10) according to the type of weapon, was intended primarily to exonerate civilians turning in weapons. There were special terms for heavy weapons: CFAF 15,000 to CFAF 75,000 ($30 to $150), depending on the type of weapon.

10. The investigations, intervention and implementation-of-the-law phase began immediately after the first one. It involves collaborating with informers compensated according to the quality of their information. This will make it possible to locate any weapons caches. During this second period, which actually began on 3 October 1997 after the head of State granted an extension, anyone found to be illegally in possession of a weapon is to be handed over to the authorities. In addition, MISAB will conduct searches, together with the national defence and security forces other than the presidential security force.

11. Political parties of every persuasion signed a declaration and issued a joint appeal to the Central African people on 30 September 1997, calling on the people to commit themselves resolutely to the way of peace and national reconciliation while surrendering any military weapons they might possess illegally. This marked the first time since January 1997 that the political parties of the presidential majority and those of the moderate and radical opposition have managed to endorse jointly a document of such importance.

12. Since the signing of the truce agreement on 28 June 1997 and the ceasefire agreement of 2 July 1997, the following weapons have been turned over to MISAB:

Heavy weapons

Designation	Quantity	Increase (29 September-13 October 1997)
120 mm mortars	surrendered: 2 out of a total of 4	
81 mm mortars	surrendered: 13 out of a total of 15	4
60 mm mortars	surrendered: 13 out of a total of 19	1
14.5 mm machine-guns	surrendered: 6 out of a total of 6	
12.7 mm machine-guns	surrendered: 2 out of a total of 3	
75 mm recoilless guns	surrendered: 2 out of a total of 2	
73 mm anti-tank rocket launchers	surrendered: 66 out of a total of 67	
Rocket-propelled grenades	surrendered: 7 out of a total of 11	
Total	surrendered: 111 out of a total of 127	5
	(weapons recovered: 87.40 per cent)	3.93 per cent

Light weapons

Designation	Quantity	Increase (29 September-13 October 1997)
Hand-guns (misc.)	surrendered: 15 out of a total of 111	4
Submachine-guns	surrendered: 297 out of a total of 459	46
Assault rifles	surrendered: 256 out of a total of 541	15
MAS 36-49/56-M14 rifles + muskets	surrendered: 650 out of a total of 1,181	45
Light machine-guns	surrendered: 52 out of a total of 80	1
.30-calibre machine-guns	surrendered: 15 out of a total of 17	2
Total	surrendered: 1,285 out of a total of 2,389	83
	(weapons recovered: 53.78 per cent)	3.47 per cent

13. The relatively low rate of recovery of light weapons can be explained as follows:

(a) These are light personal weapons that are easily transported and have been taken out of Bangui;

(b) Some of these weapons were probably buried: efforts to dig them up are continuing as information is provided, with varying degrees of success;

(c) Others, particularly hand-guns (automatic pistols), are easily camouflaged and may have been sold to as yet unidentified persons;

(d) Still others may have been taken from the State arsenal during the second rebellion (May 1996) and were never returned before the outbreak of the third rebellion;

(e) An indeterminate number of light weapons that have not yet been found may have been thrown into the Ubangi River or into the forest by former rebels fleeing in June 1997 after encounters with MISAB;

(f) It should be noted that some former rebels, roughly comprising a company (132 men) and all armed with light weapons, never returned to their barracks. According to knowledgeable sources, many of these may have left the Central African Republic taking their weapons with them.

14. The recovery of light weapons is thus slow, despite intensive efforts by the neighbourhood disarmament units and the active collaboration of many upright citizens.

15. A quantity of munitions of various types was recovered and packaged. The status of these munitions as at 13 October 1997 is set out below:

Designation	Quantity	Remarks
5.56 mm rounds	69 084	+468
7.5 mm SLC rounds	14 000	
7.5 mm S/B rounds	117 347	+12 452
7.5 mm X rounds	34 000	
7.5 mm X S/B rounds	135	
7.62 mm rounds, NATO	15 962	
7.62 mm Kalashnikov rounds	39 007	+25 145
7.62 mm long rounds	121 260	+763
7.62 mm Tokarev rounds	2 810	+1 910
9 mm Para rounds	5 299	+1 815
.12-calibre riot control rounds	711	
12.7 mm rounds	728	+457
14.5 mm rounds	15 322	+1 130
37 fragmentation hand grenades	1 847	+97
Fragmentation hand grenades, China	2 898	+228
GR FLG AP34	16	+13
RPG 7 rockets	1 131	+691
.37 stun hand grenades	1 043	+59
FL LAC F4 hand grenades	1 300	+18
F4 hand grenades	316	
Russian grenades	1	
60 mm mortars	1 713	+8
81 mm mortars	834	+167
120 mm mortars	102	+45
75 mm recoilless rifle rounds, US	168	+2
75 mm recoilless rifle rounds, China	223	No weapons in inventory
M79 40 mm rounds, US	6 060	No weapons in inventory
Time fuses (inactive)	2 325	
7.5 mm grenade cartridges	755	No rifle grenades
Pyro detonator	6 100	

	Results of the fourth report	Results of the fifth report	Increase
Munitions, various types	228 758	317 138	+38.63 per cent
Explosives and detonators	9 895	17 321	+75.04 per cent

A significant quantity of miscellaneous munitions, handed over loose, not suitable for firing, will be destroyed by the competent weapons and munitions units. An analysis will be made available in due course.

Recommendations from the General Meeting on National Defence

16. It appears that quite a few of the claims made by the former rebels could be answered by responsible implementation of the 282 recommendations made at the General Meeting on National Defence which was held in August 1996 at Bangui. That is why the International Monitoring Committee, true to the spirit of the Bangui Agreements, proceeded, in April 1997, to set up an ad hoc committee to examine the said recommendations carefully and to set up a schedule for their implementation, breaking them down into categories according to what could be applicable in the short, medium and long terms, based on the sensitivity of the areas to which the recommendations relate and, above all, the financial resources that would have to be mobilized. The results of the work of the ad hoc committee, which was chaired by a leader of the opposition, General Timothée Malendoma, a former prime minister, have already been transmitted by the International Monitoring Committee to the Ministry of Defence for implementation at the various relevant levels. Since the International Monitoring Committee is merely a mediating body, it must leave the decisions on these matters to the relevant Central African authorities, while remaining ready to serve as arbitrator should the need arise.

Situation of former heads of State

17. A revised bill was submitted by the Government to the National Assembly. Assurances were given to the International Monitoring Committee delegation by the expanded bureau of the National Assembly at the meeting on 4 September 1997 that the bill would be considered during the first weeks of the current session of the Assembly, which began on 1 October 1997.

Suspension of the parliamentary audit

18. The Bangui Agreements call for the suspension, then the abandonment "of the judicial enforcement of the parliamentary audit" opened in respect of persons presumed to have misappropriated public funds under the previous regime, for it was understood that the audit had been conducted in a very selective manner and was creating more problems than it was resolving. The International Monitoring Committee, respecting the spirit of the Bangui Agreements, proposed that the Central African Republic should, by a legislative act, formally renounce

proceedings against authors of offences identified by the parliamentary audit. It was generally agreed that such an act would undoubtedly be taken in the context of the next session of the National Assembly.

National reconciliation

19. Each of the points mentioned above constitutes as many phases on the road leading towards national reconciliation. The present section therefore concerns the final phase of this exciting process.

20. The International Monitoring Committee, supported by UNDP, is already engaged in making preparations for awareness-raising seminars, symposia and meetings; the first phase will take place at the provincial level and be targeted at specific groups (such as trade unions, women's organizations and youth movements), and the second phase will take place nationally, in the form of a national reconciliation conference, as recommended by the Bangui Agreements. For this purpose, the Committee is working in close cooperation with the Minister for Human Rights, National Reconciliation and Promotion of a Democratic Culture, who chairs the technical commission on awareness-raising under the patronage of the Prime Minister. At the weekly meeting, held on 27 August 1997, the participants appraised the cost of each of the activities in question and targeted potential sources of funding. In this regard, the Central African Government, the International Monitoring Committee and UNDP are determined to involve the backers closely in the activities scheduled to be carried out under the process of national reconciliation.

21. A timetable of activities covering the period 1 October to 1 December 1997 (the national holiday of the Central African Republic) was prepared jointly by the Minister for National Reconciliation, the UNDP Resident Representative and the International Monitoring Committee. This will be useful in coordinating the many activities to be carried out in this last phase of the process that began with the signing of the Bangui Agreements.

22. In the context of the restructuring of the Central African Armed Forces, the International Monitoring Committee had requested UNDP to set up a fund to assist military personnel wishing to leave active service in returning to civilian life, and UNDP had agreed to do so. UNDP launched a project on demobilization, retraining and reintegration for the Central African Armed Forces, which would enable 1,000 soldiers to return to civilian life in decent conditions and make it possible to reduce the cost of operating the armed forces and facilitate their restructuring. All Member States and international organizations may make contributions to the fund in question, which will initially be for an amount of approximately $2 million. The official signing of the project is planned for Monday, 13 October 1997, and activities are expected to get under way two weeks later, with the arrival of the international experts.

23. A first estimate indicates that 1,000 or more soldiers will be involved in this project. UNDP has proposed Mr. Gustave Fernando González Gasques as head of the project. A national of Argentina, he has solid experience in the area of demobilization and reintegration of former soldiers into civilian life. He has managed this type of activity in Nicaragua, Mozambique, Liberia and Angola. His candidature has been accepted by the Central African Government.

COOPERATION WITH THE CENTRAL AFRICAN AUTHORITIES AND INTERNATIONAL ORGANIZATIONS

24. An important meeting was held on 30 September 1997 between the International Monitoring Committee and the Group of 11 Opposition Parties at the latter's request. The items included in the agenda of the meeting related mainly to various aspects of the Bangui Agreements which have not yet been implemented or are still pending, such as the situation of the former heads of State, the surrender of weapons by "the ex-rebels, militias and all other unlawfully armed individuals", the drawing up of an electoral code and other issues of current concern. On that occasion, the Group of 11 Opposition Political Parties reaffirmed its desire to see the Bangui Agreements "fully implemented" and reaffirmed its support for the mediation efforts of the International Monitoring Committee.

25. The Group of 11 Opposition Political Parties met once again with the International Monitoring Committee on 9 October 1997 to discuss a number of matters, the most important of which were the new electoral code, the future of MISAB in the event of a possible withdrawal by the French Operational Assistance Personnel (EFAO) and the social problem.

26. The new electoral code recently produced by a national commission that included representatives of all political viewpoints has given rise to a disagreement over the presidency of the National Electoral Commission. The Group of Eleven has requested the International Monitoring Committee to arbitrate in the matter. The next report will include information on the outcome of the contacts which the Committee has had with the various parties concerned.

27. Both the national and international press have recently given prominent coverage to reports of the imminent withdrawal from Bouar and Bangui of the EFAO, i.e., the French troops. This information is the subject of active discussion in political circles in the capital of the Central African Republic, including the Group of Eleven. Many people here believe that the withdrawal of the EFAO based in Bangui would mean the de facto elimination of the logistical support which France has provided to MISAB since its deployment in the Central African Republic, and they call upon the International Monitoring Committee to use its influence to bring about a satisfactory solution of the problem. The great concern felt in political circles is that they will be powerless to prevent the sudden departure of MISAB owing to a lack of logistical support.

28. In spite of a statement issued on 9 October by the spokesman for the President of the Republic, which was intended to reassure public opinion in the country, the matter is so serious that the National Assembly at a meeting held on Friday, 10 October 1997, posed a parliamentary question to the Government of Action in Defence of Democracy. The impression which emerges from the lively discussion in the National Assembly is that the Central African political community does not understand why it should be necessary for President Patassé to demand the sudden withdrawal of the EFAO. The various diplomatic steps taken parallel to the parliamentary question have helped to make a start on solving the problem. In any event it has become clear that the logistical support of

France for MISAB will not be wanting. The consensus which has emerged between the majority and the opposition on this issue bears mentioning.

29. At the same meeting on 9 October, the Group of Eleven drew the attention of the International Monitoring Committee to the social problem. The Group of Eleven fears that the strike movement which began in the public schools last week may have a ripple effect on other sectors, since no solution has yet been found to the dramatic problem of outstanding back wages owed to workers in the public sector.

30. The International Monitoring Committee and MISAB were invited to participate in a special commission, beginning on 5 October, in seeking a viable and satisfactory solution to the transfer of the school for the children being raised by the Army to an appropriate site with a view to settling the delicate question of this group of young people in the Central African Republic, which is a breeding ground for future members of the Armed Forces. It should be mentioned that some of the children attending the school had joined the ranks of the rebels. The school building which accommodated the children was virtually destroyed during the rebellion and the children have since become ripe for recruitment into a life of crime. Police reports even indicate that some of them have fallen in with the gangsters who not long ago were riding roughshod over the city of Bangui.

LOGISTICAL AND TECHNICAL SUPPORT TO THE INTERNATIONAL MONITORING COMMITTEE

31. As indicated in paragraph 40 of the fourth report (S/1997/759, annex), project CAF/97/001, through which UNDP contributes its logistical and technical support, was originally to be terminated at the end of September 1997 for lack of funds. However, the Resident Representative of UNDP in Bangui has just notified the International Monitoring Committee that additional resources ($130,000) have been allocated by the Emergency Response Division of UNDP and that consequently UNDP had decided to continue providing its logistical and technical support to the International Monitoring Committee so that it could carry out its mission until 31 December 1997.

32. The International Monitoring Committee welcomes this decision by UNDP, which will enable it to initiate and continue its activities in the new stage it has entered in the implementation of its plan of action:

- Political monitoring of the pursuit of operations to disarm the former rebels first in Bangui and later in other parts of the country;

- Consideration of the situation of the former heads of States;

- Abandonment of the judicial enforcement of the parliamentary audit;

- Coordination of activities relating to the organization and conduct of various seminars and conferences provided for in the context of national reconciliation;

- Solving of problems arising in the execution of the project on demobilization, retraining and reintegration for the Central African armed forces.

Obviously, if, as is highly likely, the activities of the International Monitoring Committee extend beyond 31 December, additional financial assistance will be necessary.

33. As pointed out in paragraph 4 of this report, with a view to the systematic and consistent implementation of the Bangui Agreements the International Monitoring Committee drew up a kind of plan of action to be carried out according to a timetable originally intended to cover the month of June. Various events, in particular those of 22 and 23 March 1997, 30 April to 2 May 1997, and 20 to 24 June 1997, seriously disrupted the course of the mediation by creating a climate of mistrust and suspicion which the Committee is called upon to manage with respect to the political aspects and which MISAB has become responsible for monitoring with respect to the security aspects. This state of affairs is the main reason for the delay that is now evident in the implementation of the other actions provided for in the timetable, all of which are aimed at strengthening the newly restored peace and helping democracy to become firmly rooted in the country. Undeniable progress has been made in implementing the Bangui Agreements, but there is still a long way to go in carrying out all the main provisions of the Agreements.

34. At this time, most of the weapons taken from the state armouries during the third rebellion have been returned, but suspicions remain that other weapons illegally imported by the political parties are present in the territory of the Central African Republic. Only the International Monitoring Committee with its neutral and impartial status can resolve the situation in order to pave the way for the peaceful conduct of the electoral campaigns and the elections.

35. The social situation in the country remains tense. Students at the University of Bangui have been going on strike from time to time because the Government is six months behind in the payment of study grants. The academic year did not begin, as scheduled, on Monday, 6 October, because teachers are demanding the payment of back wages before they return to work. Some trade union groups are threatening to go on strike if "nothing is done" to pay them "six months' back wages", wages which have gone unpaid since January 1996.

36. While the mediation efforts have achieved encouraging results in the political, military and security areas, the situation in the social sphere remains problematical and may set everything back to square one. It is well not to lose sight of the origin of the crisis which broke out in April 1996 with purely corporatist demands being made. Everybody knows what happened after that.

37. The analysis of the situation by the International Monitoring Committee and MISAB coincides with the views expressed by the population of Bangui in general and those of the political community (across the board) in particular. Indeed there is unanimous support for the maintenance of the International Monitoring Committee and MISAB for a further three-month period, beyond the final date set by the United Nations Security Council in resolution 1125 (1997). It is to be

noted that this is also the wish of the central authorities of the Central African Republic, namely, the President of the Republic and the Government of Action in Defence of Democracy.

38. The International Monitoring Committee stands ready to provide, in an impartial and neutral manner, any information and clarifications which the Security Council or the United Nations Secretariat might wish to receive.

39. MISAB, which is deployed throughout the city of Bangui, is ensuring security in all neighbourhoods of the Central African capital by occupying 20 surveillance posts, and is carrying out patrols nightly in each of the city's eight districts. The activities of MISAB have been extended, with the agreement of the parties concerned, to operations to maintain security in the various neighbourhoods. Since the signing of the Ceasefire Agreement on 2 July 1997, MISAB has participated, on the basis of a consensus, in joint security patrols with approximately 120 men, consisting of MISAB personnel and Central African security and defence forces in all districts of Bangui. Apart from the security patrols, which have brought peace and quiet to Bangui, MISAB is the only force to receive requests for assistance from all neighbourhoods in the city.

40. In spite of the re-establishment of peace, in order to be absolutely sure of the situation, MISAB continues to provide security and escorts for convoys to supply fuel, a strategic product to be delivered to all the stations of PETROCA, the national petroleum products distribution company, from the Kolongo fuel depot, which is located in an area previously controlled by the former rebels.

41. It should be noted that the crime rate in Bangui and the surrounding area has continued to fall. There has been a distinct improvement in the security situation with the deployment of MISAB. There has been a considerable relaxation of tension, and Bangui is looking more and more like a peaceful city. Economic and cultural life and organized sports are resuming, as are international contacts.

LOGISTICAL SUPPORT TO THE MISSION

42. As indicated in the previous reports, MISAB receives logistical support from the participating States, France, the Organization of African Unity (OAU) and the Government of the Central African Republic.

CONCLUSIONS

43. The current experience with the Central African crisis is unique and is all the more stimulating in that it is unlike any previous experience.

44. It is fortunate that UNDP has been understanding enough to maintain its logistical and technical support for the International Monitoring Committee so that it may continue to fulfil its mission. The Committee pays tribute to UNDP for its willingness to cooperate, without which the current experience would have been only an illusion.

45. It is strongly recommended that the mandate of the Inter-African Mission to Monitor the Implementation of the Bangui Agreements be extended for a further two- or three-month period, beginning on 6 November 1997, the date on which the current mandate given by the Security Council in its resolution 1125 (1997) expires, in order to continue to ensure security and consolidate peace until the elections are held in 1998. It would be desirable to consider, at the current stage, changes in the size of MISAB and the possibility of giving it a new status as a United Nations observer mission.

46. It must be pointed out that, owing to the insufficiency of the African countries' own resources, logistical support from the international community, along the lines of the support which France has provided to MISAB and which remains open to contributions from all other States, is still needed. The International Monitoring Committee and MISAB welcome the understanding of this issue expressed by the Security Council after its consideration of the previous reports. They hope that the appeal made to the international community by the President of the Council will be met with action.

47. It is fitting to mention here the ways in which life in Bangui and the rest of the country has returned to normal (or nearly so); yet one major problem remains, namely, the failure to pay back wages, pensions and study grants, and it is, in some ways, undermining the successes achieved so far. The result has been to create an ugly social mood in the country. In this connection, it must be recognized that the Government has, come what may, managed for some time now to pay a month's wages each month, even though it is not yet in a position to solve the sensitive issue of back pay.

48. All these factors demonstrate how difficult it is in the present circumstances for the Central African Republic to honour both its domestic commitments (payment of wages, pensions and student grants) and its external obligations, in particular the arrears owed to the World Bank and the International Monetary Fund. Special one-time assistance from one or another country to pay off these arrears, which could reach more than 6 billion CFA francs (or more than US$ 120 million) by 31 December 1997, would give a great boost to the Treasury of the Central African Republic. And it would have a positive effect on peace-building in the Central African Republic. In the meantime, further efforts are needed to reform the various tax collection agencies through the establishment of a mechanism for more rigorous oversight. Technical assistance from abroad could effectively help the Central African Republic to bring about significant improvements in the situation in this area.

49. Bangui has entered a new era with determination, an era marked by a gradual rebuilding of confidence and the resumption of activities in numerous spheres, which is a sign that peace has been restored. That peace must now be consolidated, by taking into account all the suggestions put forward in this report in the form of conclusions. The International Monitoring Committee, for its part, will continue to spare no effort in urging all the parties to the Central African crisis to work for the effective implementation of the Bangui Agreements, as required by its mandate and as regularly called for by the Security Council.

50. For practical reasons, it is respectfully requested that the Security Council authorize the International Monitoring Committee for the Bangui Agreements to draw up periodic reports on a monthly basis, beginning in November 1997.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1997/796
14 October 1997
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 14 OCTOBER 1997 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith the following response to the letter dated 30 September 1997 addressed to you by the Permanent Representative of the United Kingdom (S/1997/760) concerning reports in the British press that British soldiers had killed Iraqi prisoners of war in 1991:

1. The British Government's letter jumps to the conclusion that the United Kingdom rigorously applied the third Geneva Convention of 1949 during the Gulf War before any results have been announced by the investigation initiated by that Government into the crime of the killing of Iraqi prisoners by British soldiers. This confirms that the British Government lacks objectivity and seriousness in dealing with a grave violation of international humanitarian law committed by its soldiers against Iraqi prisoners of war.

2. The accusation made in the British letter that Iraq mistreated British prisoners of war over the same period is no more than a transparent attempt by the British Government to conceal its flagrant violations of the 1949 Geneva Convention relative to the Treatment of Prisoners of War. The facts confirm that the Republic of Iraq was the only party to conduct itself in accordance with international humanitarian law and the 1949 Geneva Convention and to release all prisoners immediately on the cessation of active hostilities under the supervision of the International Committee of the Red Cross.

3. We again urge the British Government to disclose all the details of the crime of killing Iraqi prisoners, to institute the necessary legal proceedings against the perpetrators and to assume full international responsibility under international law.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Saeed H. HASAN
Chargé d'affaires a.i.

97-27292 (E) 161097 161097

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1997/797
14 October 1997
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 14 OCTOBER 1997 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to inform you that 200 mines, bombs, rockets and other ordnance left behind by the 1991 30-Power aggression against Iraq were found and disposed of in all parts of the country between 1 August and 1 September 1997. The items included American-made cluster bombs as well as spherical bombs, spindle bombs, air-launched bombs and anti-personnel mines. They were found in the following governorates: Baghdad, Ninawa, Basrah, Ta'mim, Salah al-Din and Maysan.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

97-27298 (E) 150197 161097

UNITED NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/ES-10/16
S/1997/798
14 October 1997
ENGLISH
ORIGINAL: ENGLISH/FRENCH

GENERAL ASSEMBLY
Tenth emergency special session
Agenda item 5
ILLEGAL ISRAELI ACTIONS IN OCCUPIED EAST JERUSALEM AND THE REST OF THE OCCUPIED PALESTINIAN TERRITORY

SECURITY COUNCIL
Fifty-second year

Report of the Secretary-General submitted in accordance with General Assembly resolution ES-10/3

I. INTRODUCTION

1. The present report is submitted pursuant to resolution ES-10/3 adopted on 15 July 1997 by the General Assembly at its tenth emergency special session. Paragraph 10 of the resolution reads as follows:

> "Recommends that the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War convene a conference on measures to enforce the Convention in the Occupied Palestinian Territory, including Jerusalem, and to ensure its respect, in accordance with common article 1, and requests the Secretary-General to present a report on the matter within three months."

2. In order to fulfil my reporting responsibilities, on 31 July 1997, I addressed a note verbale to the Permanent Observer of Switzerland to the United Nations requesting the Government of Switzerland, in its capacity as depositary of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, to provide me, in due course, with the necessary information.

II. INFORMATION PROVIDED BY THE GOVERNMENT OF SWITZERLAND

3. On 7 October 1997, the Government of Switzerland conveyed to me the following information:

> "In response to the note of the Secretary-General, the Government of Switzerland sought the views of the 188 States parties to the Fourth Geneva

Convention. The notes addressed to the States parties stated, inter alia, the following:

'It is the responsibility of the States parties to the Fourth Convention, after considering the recommendation addressed to them, to determine how they wish to follow it up. As depositary, the Swiss Government is interested in knowing their views. Therefore, the Embassy has the honour to consult the Ministry and to invite it to submit its comments on possible measures to follow up paragraph 10 of resolution ES-10/3, including comments on the convening of a conference, as recommended, and on the results that might thereby be achieved.'

"To date, 53 States parties to the Convention have sent written replies to the note requesting their views. These views are as follows:

- Twenty-nine States said that they were in favour of the convening of a conference as recommended by resolution ES-10/3.

- One State was against the convening of a conference, saying that 'such a conference would have seriously harmful effects on humanitarian protection and on the peace process'.

- One State said that it had 'voted in favour of General Assembly resolution ES-10/3'.

- One State said that it had 'supported paragraph 10 of General Assembly resolution ES-10/3'.

- One State said that it was 'willing to participate in the conference ... in accordance with paragraph 10 of the resolution'.

- One State said that it had 'noted the recommendation contained in paragraph 10 of the resolution'.

- Two States said that they had 'no objection to the convening of a conference'.

- One State said that it had 'no objection to the proposal to convene a conference of experts from the interested parties, with a view to discussing the existing humanitarian problems in the Palestinian territory'. That State also felt that 'another possible measure ... would be for the interested parties to appeal to the International Fact-Finding Commission (article 90 of Additional Protocol I of 1977). The Commission is competent to facilitate, through its good offices, the restoration of an attitude of respect for the 1949 Conventions'. That State believes, in that regard, 'that the fact that Israel has not acceded to Additional Protocol I of 1977 should not prevent the Commission from resolving the issue on an ad hoc basis'. In the view of this State, 'the implementation of either of these two

measures would be a positive step and would encourage a normalization of the humanitarian situation in the Palestinian territory'.

- One State said that 'a more careful study should be made of the appropriateness of convening this conference'. This State therefore wishes 'to know the positions of the other States concerned before expressing its own views'.

- One State considered that such a conference 'should be held if the party concerned was in favour of such a meeting, so that the prospect existed for an improvement in the enforcement of the Fourth Geneva Convention'. This State, noting that such a meeting, or a comparable one, had never before been held, said that 'careful and prudent preparation was an essential precondition for a conference'.

- One State said that it 'upheld, in principle, the idea of convening a conference of the States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War on measures to enforce the Convention in the [territories referred to in resolution ES-10/3]', but that 'a conference of this type required thorough preparation and should be structured and timed so as to enhance the possibility of attaining a lasting peace in these regions'.

- One State thought it would be preferable, 'given the delicate situation in the Middle East, to await progress on the efforts being made to bring about the resumption of the peace process, particularly at a time when meetings are planned in the near future between the parties directly involved'.

- One State wrote that it wished 'to try to exchange views with other Governments in order to ensure that the convening of the conference at the current stage will not provoke further tensions in Israeli-Palestinian relations and will not endanger the fragile peace which has already been threatened by the outbreak of violence'.

- One State said that it 'did not believe that the convening of a conference of the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War would make an effective contribution towards advancing the peace process'.

- One State said that 'in addition to recognizing the rights of the Palestinian people, the resolution should contain an acceptance of the fact that the peace process and the implementation of the agreements between the Government of Israel and the autonomous Palestinian Government should guarantee that neither of the two Parties would commit acts which would affect the peace process

and tolerance, an indispensable condition to ensure the success of the negotiations'.

- Four States reiterated word-for-word the joint reply which the State currently presiding over the body of which they are members had been authorized to transmit, according to which the members of that body suggested that 'the possibilities should be explored of convening a meeting of experts which would be charged with examining the political and legal context before a conference of the High Contracting Parties was convened'.

- One State, a member of the same body as the four mentioned above, said that the State currently presiding over that body 'had been authorized ... to transmit a joint reply', and that 'that note thus reflects [its] opinion'.

- One State, a member of the same body as the five mentioned above, said that the question 'would be dealt with' by the State currently presiding over that body 'on behalf of its member countries'.

- Three States, members of the same body as the six mentioned above, referred to 'the note verbale sent' by the State currently presiding over that body, 'which reflects the opinion (the position) [of their] Government[s] on the matter'.

"Moreover, the depositary received a letter from the President of the Coordinating Bureau of the Movement of Non-Aligned Countries in which he expressed 'the support of the Movement for the convening of a conference of the Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, as recommended in paragraph 10 of resolution ES-10/3 adopted by the United Nations General Assembly on 15 July 1997'.

"Similarly, the Secretary-General of the League of Arab States sent a letter expressing 'the approval of all the Arab countries of the contents of the letter from the Swiss Government concerning the holding of such a conference', adding, in a subsequent letter, that 'the Arab countries would hope that this conference will be held as soon as possible in order to safeguard the interests of the Palestinian people'.

"Lastly, the Presidency of the Council of the European Union stated that it had been 'authorized by the 15 States members of the European Union, High Contracting Parties to the Geneva Conventions, to transmit a joint reply from the 15 member States concerning the follow-up to resolution ES-10/3, paragraph 10 of which provides for the convening of a conference'. In this joint reply, the member States said that they 'believe that the convening of a conference in the immediate future would, in the present circumstances, risk giving rise to additional complications unless it was carefully prepared'. The member States therefore suggested that 'the possibilities should be explored of convening a meeting of experts which would be charged with examining the political and legal context before a conference of the High Contracting Parties was convened.

The meeting of experts could also examine the broader implications of such a conference'.

'Upon receipt of these collective replies, the depositary indicated that, out of a concern for clarity and precision, it would, as far as possible, like to be able to obtain individual replies from the States concerned. A number of those States acceded to the depositary's request and sent individual replies, included in the 53 mentioned above, along the lines of the reply sent by the body of which those States were members.'

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1997/799
15 October 1997
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 15 OCTOBER 1997 FROM THE PERMANENT REPRESENTATIVE OF THE DEMOCRATIC REPUBLIC OF THE CONGO TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith a statement issued by the Office of the President of the Democratic Republic of the Congo clarifying the Government's position on the commission which is investigating allegations of human rights violations in the eastern part of the Democratic Republic of the Congo (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) André M. KAPANGA
Ambassador
Permanent Representative

97-27388 (E) 151097 151097 161097

/...

Annex

[Original: English]

Statement issued by the Democratic Republic of the Congo on 13 October 1997 concerning the investigation of human rights violations in the Congo

Dramatic changes have occurred in the Congo in the past year. All those who cherish justice and international peace must appreciate and welcome those changes which open the door for peace, stability and progress not only in the Congo, but also in the region and on the African continent as a whole.

Indeed, after decades of suffering, deprivation, the whole denial of their human, political and social rights and the plunder of their resources, the Congolese people had risen up in arms to win their victory over the Mobutu dictatorship, paying precious sacrifices in the process. The Mobutu regime was not only propped up by powerful international supporters who nurtured and defended it, but also by an assortment of regional allies and collaborators who saw their survival directly connected with its continued existence. In the same vein, Mobutu's Zaire was reduced to a sanctuary for myriad elements of destabilization, ethnic strife and genocide from the wide region surrounding the Congo.

These international and regional forces not only shared in the plunder of the resources of the country, but also participated directly in the repression of our people and the denial of their fundamental rights. As such, all the forces that contributed - in all forms, including in the name of "benign humanitarian" organizations - to the immense suffering of our people are responsible and stand accused of these grave violations.

While these are the true facts of the matter, a hostile campaign to tarnish the image of the new Government of the Democratic Republic of the Congo has been under way for some time now. The Government of the Democratic Republic of the Congo rejects these unjustified accusations that attempt to twist the incontrovertible realities and historical facts and clarifies its positions through the following points:

1. That external forces and their internal collaborators who felt that their interests would be jeopardized by the stability of the Great Lakes region have been fomenting hatred and animosity among the peoples of the region to inculcate genocide, destruction and impoverishment is a vivid reality that is only too fresh in our memories.

2. The futile attempts of the external and internal forces, who trampled upon the Congolese people, to use the country that was seething under Mobutu's dictatorial regime as a staging ground for concocting their plots to plunge the Great Lakes region into a vicious cycle of violence and genocide under the rubric of the refugee problem is another well-known fact which has moreover been corroborated by the report of the Security Council investigating commission.

3. As has been widely acknowledged, the fall of the Mobutu regime has come as a blessing to the Congolese people. At the same time, it represents a vital milestone in the march towards the stabilization of the Great Lakes region.

4. In this context, it must be recognized that the Government of the Democratic Republic of the Congo has embarked on a long journey to change the face and conditions of the Congo for the benefit and welfare of its citizens as well as to contribute to the enhancement of enduring peace and stability in the region.

5. Although the Government of the Democratic Republic of the Congo is primarily working to extricate the Congolese people from abject misery, which they find themselves in, it will strive to promote regional peace and stability with necessary vigour and commitment.

6. The hard-won stability will remain precarious and fragile unless and until all the violations of human rights and atrocities perpetrated on the Congolese people - albeit in their name - and on the peoples of the region are accounted for in a comprehensive manner. As such and to ensure that justice prevails, all the tragic episodes of gross human rights abuses and atrocities should constitute grave matters that cannot be glossed over under any pretext but must be investigated rigorously to bring the sad chapter to an end. The Government of the Democratic Republic of the Congo is in the first line in this endeavour as it is the primary party to call for a comprehensive inquiry.

7. In so far as the modalities of the inquiry and the administration of justice are concerned, the Government of the Democratic Republic of the Congo believes that all the regional actors must have a primary and active role so that the endeavour can contribute to an enduring and effective regional stability. In this spirit and framework, efforts are being exerted to ensure that the concerned regional forces create, as is indeed their responsibility, the necessary mechanism for the inquiry to take place.

8. In the endeavour that will be conducted through the active involvement of the concerned parties (as expressed in para. 7 above) any other Government, organization or individual that wishes to see justice done is welcome to contribute constructively.

9. The Government of the Democratic Republic of the Congo strongly rejects attempts by those who are culpable in the first place, with the unfortunate cooperation of others, to pose as principal accusers. This posturing can only be prompted by the desire to cover up the atrocities and human rights abuses committed in the past or for other hidden agendas. The Government of the Democratic Republic of the Congo invites all those who have the best interests of the Congolese people and the region at heart to support and participate in the measures that it has enunciated.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1997/800
15 October 1997

ORIGINAL: ENGLISH

LETTER DATED 15 OCTOBER 1997 FROM THE PERMANENT REPRESENTATIVE OF SIERRA LEONE TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions from my Government, I have the honour to bring to your attention and that of the members of the Security Council acts of aggression committed by the Armed Forces Revolutionary Council (AFRC) and the Revolutionary United Front (RUF)/military junta against innocent civilians and the Economic Community of West African States Monitoring Group (ECOMOG) since the adoption of Security Council resolution 1132 (1997) of 8 October 1997, as well as statements by officials of the junta signifying its intransigence, defiant attitude and cynical response to that resolution.

(Signed) James O. C. JONAH
Ambassador
Permanent Representative

97-27410 (E) 151097 161097

/...

Annex

Acts of aggression and intimidation and statements by the Revolutionary United Front/military junta

1. 8 October 1997

RUF Commander and Deputy Chief of the AFRC Defence Staff, Colonel Sam "Maskita" Bokari, in an interview on the BBC African Services programme "Focus on Africa", in response to a question about Security Council sanctions on the junta, said:

> "... As long as we have our natural resources, like our diamonds and gold, I can tell you that sanctions will affect our poor innocent civilians, but not us as the AFRC ..."

2. 8 October 1997

An AFRC helicopter gunship attacked an ECOMOG chopper taking supplies from Lungi International Airport to ECOMOG troops stationed at Jui. In response, ECOMOG Alpha jets made surveillance flights to locate the AFRC gunship. In a second raid, ECOMOG Alpha jets attacked the gunship hideouts at the junta's military headquarters at Cockerill, on the western outskirts of Freetown.

3. 8 October 1997

President Kabbah's private residence at Juba Hill, built following his retirement from the United Nations, and long before he was elected President, was burned down by elements of the junta and their supporters.

4. 9 October 1997

AFRC Spokesman, Allieu Kamara, in an interview on the BBC African Services "Focus on Africa" said that the President's house was burned down as a reprisal for the ECOMOG "attack on the military headquarters", and that the act was "a message to Tejan Kabbah". He added:

> "... any time a civilian is dead, Tejan Kabbah and his supporters will definitely suffer, because they have been crying to the international community for military intervention. And this time, we are not ready to be stampeded."

5. 9 October 1997

At 1900 hours, troops of the junta launched an attack on the ECOMOG protected area at Lungi International Airport. The ECOMOG Commander reported that the purpose of the attack was to take ECOMOG soldiers hostage and then demand the release of RUF leader Foday Sankoh who is currently detained in Nigeria on arms charges. The attack lasted throughout the night.

6. 10 October 1997

The RUF/military junta mounted an early morning attack on the ECOMOG base at Jui and Kossoh Town. The attack was repelled.

7. 11 October 1997

The junta continued its attack on Jui, and claimed on state radio SLBS that its forces had "routed the Nigerians and we are now in control and have captured many Nigerians. The others have fled into the nearby bushes from where they are bombing nearby areas". ECOMOG continued to repel the attacks.

8. 11 October 1997

A journalist was shot and seriously wounded outside the charred home of President Kabbah, on suspicion that he was a reporter of a pro-democracy radio station (FM 98.1) in Sierra Leone.

9. 12 October 1997

Another night of RUF/military junta attack on the ECOMOG base at Jui. The junta placed heavy guns among the civilian population in nearby Wellington township at night while attacking the ECOMOG base, and then removed the weapons for safe keeping during the day.

10. 13 October 1997

The RUF/military junta attacked the ECOMOG contingent in the provincial capital, Bo. This was repelled.

At 1700 hours, the junta forces launched another attack on the ECOMOG contingent at Jui. The attack was once again repelled.

11. 14 October 1997

The military junta forces commenced the laying of landmines in the vicinity of Jui. In a cynical manner forces of the military junta are now wearing ECOMOG-type military uniforms. Earlier, it had come to the knowledge of the ECOMOG command and the legitimate government that such ECOMOG uniforms were being prepared in large quantities. In addition, for the first time there were indications that the junta forces were prepared to use some form of gas in their determination to dislodge the ECOMOG forces from Jui.

UNITED NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/52/466
S/1997/801
16 October 1997

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-second session
Agenda item 61
QUESTION OF CYPRUS

SECURITY COUNCIL
Fifty-second year

Letter dated 15 October 1997 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to bring to your attention recent highly provocative and aggressive actions of Turkey which cause serious concern and heighten tension in Cyprus. From 30 September to 14 October 1997, an alarmingly increasing number of violations of the airspace of the Republic of Cyprus and of the flight information region of Nicosia have taken place by military aircraft of the Turkish Air Force.

On 30 September, at 0914 hours, a C-130 Turkish military plane violated the Nicosia flight information region, flying over its eastern part, and exited at 1008 hours heading in a southerly direction.

On 6 October, at 1017 hours, a CN-235 Turkish military plane violated the national airspace of the Republic of Cyprus and landed at Tymbou airport in the occupied areas.

On 12 October, from 0742 hours to 1808 hours, six F-16 Turkish fighter jets violated the north-western part of the Nicosia flight information region. On the same day, four F-16s violated the national airspace of the Republic, flying along the island's southern coast from a westerly to an easterly direction.

On 14 October, 14 Turkish military planes, including F-16 fighter jets, repeatedly entered the Nicosia flight information region over an extended period of time, from 0725 hours to 1804 hours. Two of them, which were RF-4s, violated the national airspace by flying over the area of Paphos.

As indicated in my previous letters, such provocative actions by Turkey, which are continuing, are in contravention of the provisions of the Security

Council resolutions on Cyprus. The resolutions state, inter alia, that such overflights increase political tension on the island and undermine efforts towards achieving a final settlement. At the same time they are in violation of the international air traffic rules and seriously endanger civil aviation flights over Cyprus.

On behalf of the Government of the Republic of Cyprus, I wish to protest strongly once again the new violations of the sovereignty and territorial integrity of the Republic of Cyprus, which are in complete disregard of international law, the Charter of the United Nations and the relevant decisions of the Organization on the question of Cyprus.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 61, and of the Security Council.

(Signed) Nicos AGATHOCLEOUS
Ambassador
Permanent Representative
of the Republic of Cyprus
to the United Nations

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1997/802
16 October 1997

ORIGINAL: ENGLISH

IDENTICAL LETTERS DATED 16 OCTOBER 1997 FROM THE PERMANENT REPRESENTATIVE OF ANGOLA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon instructions from my Government, I have the honour to bring to your attention the true facts about the alleged tensions along the border between the Republic of Angola and the Republic of Congo-Brazzaville:

1. Taking into account the serious deterioration of the situation in the Congo, the Government of Angola has taken some special military measures along the border between the Angolan province of Cabinda and the Republic of the Congo.

2. Angola is following closely and with serious concern the evolution of the internal situation in that neighbour and sister country, where intense fighting is taking place between opposing troops loyal to President Pascal Lissouba and former President Denis Sassou Nguesso since 5 June 1997.

3. The present situation in the Congo is a serious one, but third countries cannot and should not be blamed for it. Angola has all along lent its unequivocal and full support to the efforts for international mediation led by President El Haj Omar Bongo, assisted by Ambassador Shannon, Joint Special Representative of the United Nations and the Organization of African Unity, with a view to finding a political and negotiated settlement. In so doing, Angola wishes the rapid restoration of peace and stability in the central subregion and the creation of the necessary conditions for the well-being of the Congolese people.

4. As is well known, Angola was, for many years, a victim of destabilizing actions waged by the so-called "FLEC" as well as by the União Nacional para a Independência Total de Angola (UNITA) with the backing of the then Republic of Zaire and the Republic of Congo-Brazzaville. On 13 October 1997, in exercising its right of self-defence, one unit of the Angolan Armed Forces persecuted armed groups of the FLEC and UNITA,

following attacks against bordering localities in Cabinda province, from the Republic of the Congo. This action resulted in some casualties against the armed groups and the Angolan forces returned immediately to their base in Cabinda.

5. Therefore, the Angolan Armed Forces did not whatsoever launch any attacks against the localities of the Republic of the Congo as mentioned in the letter of the Permanent Mission of the Congo addressed to the President of the Security Council on 13 October 1997.

6. The Government of the Republic of Angola strongly rejects these accusations which are baseless and senseless.

I should like to request that the text of the present letter be circulated as a document of the Security Council.

(Signed) Afonso VAN-DUNEM "MBINDA"
Ambassador
Permanent Representative

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1997/803
16 October 1997
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 16 OCTOBER 1997 FROM THE PERMANENT REPRESENTATIVE OF THE DEMOCRATIC REPUBLIC OF THE CONGO TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you herewith a communiqué issued by the Office of the President of the Democratic Republic of the Congo concerning the situation in the Congo (Brazzaville).

I should be grateful if you would have this communication circulated as a document of the Security Council.

(Signed) André Mwamba KAPANGA
Ambassador
Permanent Representative

97-27590 (E) 161097 161097

/...

Annex

Communiqué issued on 15 October 1997 by the Office of the President of the Democratic Republic of the Congo concerning the crisis in the Congo (Brazzaville)

According to information published this morning in the press, the President of the United Nations Security Council has specifically asked the Democratic Republic of the Congo to withdraw its troops from the Congo (Brazzaville).

The Office of the President of the Democratic Republic of the Congo wishes to inform national and international public opinion that it formally denies any reports alluding to the presence of Congolese in the territory of the Republic of the Congo (Brazzaville). Such reports are completely unfounded and thus the product of mere speculation.

No soldiers of the Democratic Republic of the Congo have been present in the territory of the Republic of the Congo (Brazzaville) since the return of a number of observers who had been dispatched, by joint agreement, to the two warring factions.

It must be noted in this connection that it was at the request of both the Democratic Republic of the Congo and the Republic of the Congo (Brazzaville), who invited the Security Council to assume its responsibilities in the Congolese crisis in order to prevent the conflict from spreading, perhaps even igniting the entire region, that the Council met.

National and international public opinion must know that the Democratic Republic of the Congo has absolutely no intention of becoming involved in this conflict, much less allowing itself to be dragged into it under any pretext.

Having made this clarification, the Democratic Republic of the Congo nevertheless cannot refrain from noting that it does not intend to stand passively by when shells are fired deliberately and blindly from the Congo (Brazzaville) on the population of Kinshasa.

Accordingly, the Democratic Republic of the Congo does not rule out any future intervention in response to any further shelling and the consequences thereof, particularly in terms of human lives, but reserves the right in such case to defend, by all available means, its territorial integrity and the security of its inhabitants.

The foregoing constitutes a solemn warning to the belligerent parties.

For the President of the Republic

(Signed) She OKITUNDU
Ambassador
Spokesperson

UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1997/804
16 October 1997

ORIGINAL: ENGLISH

LETTER DATED 16 OCTOBER 1997 FROM THE SECRETARY-GENERAL
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to convey the attached communication dated 14 October 1997 from the High Representative, Mr. Carlos Westendorp, on the implementation of the Peace Agreement on Bosnia and Herzegovina (see annex).

I would appreciate your bringing it to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN

97-27596 (E) 201097

/...

Annex

Letter dated 14 October 1997 from the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina addressed to the Secretary-General

I have the honour to transmit to you the seventh report on the activities of the High Representative for Implementation of the Peace Agreement in Bosnia and Herzegovina (see appendix). I would appreciate your making the report available to the Security Council.

(Signed) Carlos WESTENDORP

Appendix

Report of the High Representative for Implementation of the Peace Agreement on Bosnia and Herzegovina to the Secretary-General

I. INTRODUCTION

1. Pursuant to Security Council resolution 1031 (1995) of 15 December 1995, in which the Council endorsed the appointment of a High Representative to monitor the implementation of the Peace Agreement and mobilize and, as appropriate, give guidance to, and coordinate the activities of, the civilian organizations and agencies involved in the implementation of the Peace Agreement on Bosnia and Herzegovina, I submit hereby the seventh report envisaged by Annex 10 of the Peace Agreement and the Conclusions of the London Peace Implementation Conference of 8 and 9 December 1995.

2. The report covers the activities of the Office of the High Representative and developments in the areas listed below during the period from the beginning of July 1997 to the end of September 1997.

II. INSTITUTIONAL ASPECTS

Office of the High Representative

3. At the present stage of the peace process in Bosnia and Herzegovina, characterized as the consolidation period, the major international efforts are concentrated on the most complicated part of the implementation of the Peace Agreement - the civilian component. Needless to say, the success of all activities in establishing lasting peace in Bosnia and Herzegovina essentially depends on the realization of these aspects. Though the peace process continues at a slow pace, the results achieved are moderate and the tasks ahead are enormous, yet I believe there is still certain hope for optimism because the international community has a clear-cut direction - the Peace Agreement and the common understanding of the vital importance of its accomplishment. The main responsibility for carrying out the civilian tasks lies with the Bosnia and Herzegovina authorities. Only when the Bosnian parties themselves start jointly implementing their commitments under the Peace Agreement, through, above all, the effective functioning of their common State structures, will the peace settlement be truly achieved and the peace process become irreversible.

4. My headquarters in Sarajevo and the secretariat in Brussels have, in the period described, continued to maintain operational coordination of civilian implementation activities inside Bosnia and Herzegovina, as well as contacts with the headquarters of the respective implementation organizations and agencies, closely following, to the extent possible, the various international forums dealing with the Bosnian peace settlement.

5. Regional coordination and monitoring of the situation on the ground, has been a priority and my offices in Mostar, Tuzla and Banja Luka continued to facilitate contacts at a local level, promoting inter-entity cooperation in a

variety of fields. The regional reach provided by these offices will be essential during the consolidation period.

6. My Deputy, the Brcko Supervisor, having established Office of the High Representative-North in mid-April 1997, is successfully fulfilling his duties in accordance with the Peace Agreement and the Arbitration Award for Brcko. His office coordinates closely with all international organizations represented in Brcko and in the Office of the High Representative-North area of responsibility and is well supported by the Stabilization Force (SFOR), the International Police Task Force (IPTF), the Organization for Security and Cooperation in Europe (OSCE) and the Office of the United Nations High Commissioner for Refugees (UNHCR). Taking into account the increased tempo of the Supervisor's activities as we approach the 15 March 1998 decision point, I intend to add expert staff to his office temporarily to ensure proper coverage of tasks and areas of concern.

7. The capacity achieved by my office in Sarajevo to conduct preventative, pro-active and follow-up action needs to be both preserved and developed; conditions for such continuity require countries that contribute personnel to maintain their current level of commitment. I'm thankful to the Governments who have replaced or extended the terms of duty of the staff and hope that steady contribution in this field would be maintained.

8. On 17 September a team of 12 dear friends and very competent and dedicated colleagues were tragically killed in a helicopter crash in Central Bosnia. All of us were shocked by the untimely death of my Principal Deputy, Ambassador Gerd Wagner, Leah Melnick, Charles Morpeth, Jurgen Schauf, Thomas Reinhardt, Peter Backes, Livio Beccaccio, Andrzej Buler, David Kriskovich, William Nesbitt, Marvin Padgett and Georg Stiebler. The loss of such selfless servants of the peace process from different States of the world remind us of the countless sacrifices that have been made by so many foreigners to help the troubled country. We will push on with greater determination and resolve to complete the task of implementing the Peace Agreement; peace and reconciliation in Bosnia and Herzegovina will be their true and lasting memorial.

Peace Implementation Council

9. The Steering Board of the Peace Implementation Council has met twice during the reporting period, in Sarajevo on 18 July, and in Brussels on 1 October. Particular attention has been focused on the implementation of the Sintra Declaration which set out in clear terms the exact performance expected of the authorities in the coming months, including a number of specific actions to be undertaken without delay. Furthermore, the Steering Board asked me to recommend non-compliance measures in the case of delays by the authorities in Bosnia and Herzegovina. Such was the level of obstruction regarding the appointment of ambassadors and the adoption of citizenship and passport laws, that I made such recommendations to the Steering Board in both cases. More recently, I have exercised the enhanced powers given to me in the Sintra Declaration in relation to media issues.

III. COORDINATION OF CIVILIAN IMPLEMENTATION

Overall coordination

10. Regular discussions with the representatives of Governments and organizations have been maintained at all levels. I have made determined efforts to consult personally with concerned leaders and value highly the support I receive from them. My secretariat in Brussels has been especially engaged in this maintenance of close contacts with international partners and, further, in the provision of essential longer-range forecasting of issues related to civilian implementation. In Sarajevo, I have continued to convene, on a regular basis, Principals meetings with the participation of the Special Representative of the United Nations Secretary-General, the IPTF Commissioner, the UNHCR Special Envoy, the Commander of SFOR and the OSCE Head of Mission.

11. The Economic Task Force, which meets under my chairmanship in Sarajevo, continues to be the key instrument for coordinating economic reform policies and priorities of international reconstruction assistance. The Economic Task Force has strengthened the implementation of political conditionality as requested by the Third Donors' Conference in July. In addition, the Economic Task Force has taken the lead in developing an anti-corruption strategy for Bosnia and Herzegovina.

12. The Reconstruction and Return Task Force moved into a new phase of operational activity and responsibility. On the operational side, Regional Reconstruction and Return Task Forces were established for the Brcko/Posavina area, the north-western region - addressing return and reconstruction issues in the Una Sana Canton as well as the so-called Anvil area - and for the Sarajevo and Gorazde Cantons. The Regional Reconstruction and Return Task Forces have made important contributions to coordination among the appropriate agencies at the field level and to regional inputs into the policy work of the central Reconstruction and Return Task Force.

13. The Human Rights Coordination Centre Steering Board continues to meet on a weekly basis to ensure prompt and thorough implementation of the priorities set by the Human Rights Task Force. Plans are under way for a human rights workshop to be attended by a wide range of organizations, including international and local non-governmental organizations, to discuss progress and gaps in human rights implementation in preparation for the next meeting of the Human Rights Task Force.

14. The Freedom of Movement Task Force has continued to be a valuable forum for exploring various ways to promote Freedom of Movement for people, goods and services.

Common institutions of Bosnia and Herzegovina

15. The Presidency, the Council of Ministers and Parliamentary Assembly continue to meet albeit infrequently due to the lack of an administrative structure and the outstanding decision on a final location. The internal crisis

in the Republika Srpska - the regular absence of Serb members - has also substantially hampered the work of these institutions.

16. The Presidency held four regular working sessions and met several international representatives during the reporting period.

17. In order to press for a solution on the diplomatic and consular network in accordance with the deadline of 1 August fixed in the Sintra Declaration and overcome the lack of spirit of compromise of the parties, I recommended on 2 August that Steering Board Members suspend relations with the Bosnia and Herzegovina ambassadors with immediate effect. As a result, the agreement in principle on the number (33) of embassies and permanent missions of Bosnia and Herzegovina and the division of posts was reached and signed on 8 August on the basis of a proposal negotiated by my office. A decision on the appointment of ambassadors was made on 30 September pending the outstanding issue regarding three postings. The issue of the staffing of the embassies and of the Ministry of Foreign Affairs needs to be further addressed.

18. The draft laws on citizenship and passports also appeared on the agenda of the Presidency sessions, after the failure of the Council of Ministers to reach an agreement on this issue. The draft law on citizenship was debated and sent back with comments to the Council of Ministers for its further consideration. It is important to note that on 8 August the Presidency reached an agreement on the rules of procedures of the Standing Committee on Military Matters.

19. Amongst other crucial issues that need further decisions of the Presidency are the establishment of diplomatic relations between Bosnia and Herzegovina and the Federal Republic of Yugoslavia, the common flag and the design of the Bosnia and Herzegovina currency.

20. The Council of Ministers was again the most active of the common institutions, though meeting on an irregular basis but on average at least once weekly. During the reporting period, the Council made good progress on the issues of civil aviation and telecommunications by signing important agreements in these fields. The priority here now shifts to implementation of these commitments. Progress on other issues has been less notable.

21. I believe that the Council of Ministers must take the required steps, with appropriate support from my office to maintain what positive momentum exists, in order to equip itself with the needed tools to meet its constitutional obligations. This is particularly necessary when one notes the failure of the Council in meeting Sintra deadlines, most evidently on the important draft laws on citizenship and passports. The Council of Ministers was unable to agree to the final draft texts my office prepared and which I believe present the fairest and most realistic solution. As a result of the Serb members' refusal to accept this draft, which was supported by the Bosniak and Croat members, I recommended to the Steering Board that the passports of the Serb members of the Presidency and of the Council should not be recognized as valid travel documents. This recommendation still stands since the situation has yet to be resolved.

22. Both houses of the Parliamentary Assembly held their fourth session on 16 September in Lukavica at which the Law on the Official Gazette of Bosnia and

Herzegovina was adopted. This opened the way to the entry into force of the quick start package I (package of essential legislation passed in late June). The Parliamentary Assembly also passed two World Bank credit agreements on education and transport previously signed by the Presidency members. Furthermore the Parliamentary Assembly has installed its commissions.

23. The Constitutional Court of Bosnia and Herzegovina held two sessions during the reporting period. At the session of 27 July the Court adopted its rules of procedure and elected its President and four Vice-Presidents. On 25 and 26 September the Court discussed its administrative structure and adopted the decision on the organization of the Constitutional Court, which enables it to employ the essential staff. The judges also dealt with the first of a total 13 cases which, so far, have been submitted to the Court.

24. Although the Rules of Procedure for the Standing Committee for Military Matters were signed in early August, its first meeting duly occurred on 15 September. All members of the Bosnia and Herzegovina Presidency along with the respective Defence Ministers and Chiefs of staff from the two entities attended the meeting.

25. I am determined to make the Standing Committee for Military Matters a working institution rather than a facade of one, and in advance of this first meeting, my staff established contacts with the three presidential-appointed military advisers who provide the secretariat functions to the Committee. The agenda was agreed and included an OSCE presentation on arms control and preliminary discussion on the appointment of military attaches. The Standing Committee for Military Matters will have a major role to play in the long-term stability in Bosnia and Herzegovina by encouraging openness, cooperation and mutual trust between the entities. My Military Adviser will have to coordinate and drive the Committee's secretariat and will continue to press for results from the Committee.

Essential legislation

26. A draft law on citizenship of Bosnia and Herzegovina prepared by one of the Council of Ministers, working in close cooperation with my office as well as with the Council of Europe and UNHCR, has been before the Council of Ministers since early this summer, but it has not been able to agree on outstanding issues. The draft has also been considered by the Bosnia and Herzegovina Presidency. The law on citizenship is extremely important, and it is essential that the Common Institutions of Bosnia and Herzegovina adopt it without any further delay.

27. As soon as the law on citizenship is adopted, the two entities will need to harmonize their citizenship laws with that law. My office will, in cooperation with the Council of Europe, offer its assistance to the entities in this respect.

28. The draft law on passports, which regulates the form of the passports and the way in which they are issued, is also before the Council of Ministers for

adoption, but it has not yet been able to resolve the issue on the design of the passport.

29. Legislation adopted by the Bosnia and Herzegovina Parliamentary Assembly does not enter into force before official publication. The Council of Ministers, on its own initiative, agreed on a law on the Official Gazette of Bosnia and Herzegovina. It has been adopted by the Bosnia and Herzegovina Parliamentary Assembly and the new Gazette will shortly be regularly published in the languages of three constituent people.

30. My office has, together with other international institutions, started the process of elaborating the second package of essential legislation, including legislation on frequency management and telecommunications, airspace management, permanent election law, immigration law and permanent law on customs and customs tariffs. The first draft of these laws are being prepared and will be presented to the Bosnia and Herzegovina authorities soon.

Joint commissions

31. Activities of the Provisional Election Commission (Annex 3) chaired by OSCE, are referred to in the elections sections of this report.

32. The Commission on Human Rights, which consists of the Human Rights Chamber and the Ombudsperson (Annex 6) and the Commission for Real Property Claims (Annex 7) continued their work.

33. The Human Rights Chamber, the Ombudsperson and the Commission for Real Property Claims all face critical funding shortfalls. In response to the Sintra Steering Board meeting's call the Bosnia and Herzegovina Government has committed DM 200,000 for each institution from its 1997 budget. The Steering Board also recognized, however, that the institutions will require international support during the first years of their operation, and committed itself to provide and to seek from others supplementary financial assistance to allow their important work to continue. To meet that commitment, I have proposed to the Peace Implementation Council Steering Board that funding for the three institutions be provided for 1998 through assessed contributions according to the same funding key used to determine contributions to the Office of the High Representative.

34. Despite the critical funding situation, the work of all three institutions continues to expand. As of 30 September, the Human Rights Ombudsperson (both Sarajevo and Banja Luka offices) had opened 2,252 provisional files, registered 1,060 cases, and issued 49 final reports in individual cases and 10 special reports. Thirty-three cases have been referred by the Ombudsperson to the Human Rights Chamber. By 30 September, the Human Rights Chamber had registered 59 cases and rendered 11 decisions on admissibility of applications. Five public hearings have been held and final decisions have been rendered in two cases. During the same period, the Commission for Real Property Claims had received over 40,000 claims, rendered more than 4,200 decisions, and sent 450 advisory opinions to the Office of the High Representative Supervisor in Brcko. In August, the Commission for Real Property Claims began offering to all

reconstruction agencies the service of checking property rights to private houses. Since then, it has received requests to check property rights for a total of 1,094 properties.

35. All three institutions have been hampered in their work by a low level of cooperation from the authorities. In particular, authorities have frequently failed to respond to reports or requests for information, or have responded inadequately; the Ombudsperson continues to face difficulties in ensuring that Federation authorities fulfil their responsibilities under Annex 6. For all three institutions, there remains a serious gap with regard to steps taken by the authorities to ensure that the decisions and recommendations of these institutions are promptly and effectively implemented. Nevertheless, measurable progress has been made in terms of the institutions' effectiveness and impact in specific cases.

36. My office will continue to place a high priority on working with the Ombudsperson, the Human Rights Chamber and the Property Commission to ensure full cooperation by the authorities with each institution and to ensure respect for their reports and decisions, including through the drafting of implementation legislation where appropriate. We will also work diligently to monitor and coordinate intervention in cases in which the authorities have failed to meet those essential obligations.

37. The Commission to Preserve National Monuments (Annex 8), coordinated and financed by UNESCO, held its fifth session on 22 July, and extended the selection of monuments and sites for the appropriate national list. The listed heritage is subsequently visited for analysis of condition, and the proper documentation is prepared, two of the major problems being the lack of documentation on historic sites and monuments, and its dispersion.

38. At its recent meeting, the Commission on Public Corporations (Annex 9) agreed that railway inter-entity traffic be promptly re-established. Instructions are given to the operating companies to work together and to take whatever steps needed to implement that decision, starting with the line Maglaj-Tuzla and Doboj-Zvornik and first with freight traffic. Following the legal opinion issued by my office, a new organizational structure of the railway sector was submitted to the Commission, but no consensus was yet reached. The Commission is due to restart the examination of the energy sector and the working group will, inter alia, examine the advisability of creating a body between the two entities in order to increase coordination and devise a joint policy in the field.

Elections

39. Since my last report, the voters in Bosnia and Herzegovina went to the polls on 13 and 14 September in order to cast their ballots for the first democratically elected municipal councils following the signing of the Peace Agreement. The municipal elections were held in a calm, orderly and dignified manner. This was the result of the cooperative attitude of the authorities, promoted by a major planning effort on the part of all the key international agencies drawing on experience accumulated during the 1996 electoral process.

40. Threats of election boycott were encountered throughout the preparation process culminating in a temporary withdrawal of the Republika Srpska and Federation representatives from the work of the Provisional Election Commission. The Republika Srpska representative was withdrawn until the Republika Srpska Election Commission received a copy of the final voters register; as a result of talks in Belgrade certain operational concessions were made. The Croat Federation representative was withdrawn, and only talks in Zagreb and concessions concerning the electoral rules for the Central Zone in Mostar in return to the adoption of significant amendments to the Herzegovina-Neretva Canton Constitution could overcome a Croatian Democratic Union (HDZ) boycott. By such, both sides came on board in the eleventh hour allowing for an overall participation of approximately 80-85 per cent of the electorate. The only substantial obstruction of the process was encountered in Zepce where HDZ chose not to participate.

41. As the international supervision of the municipal elections required an operational plan for the implementation and management of the post-election period, the Ministerial Steering Board meeting in Sintra endorsed the Election Implementation Plan, which established an inter-agency monitoring mechanism - Election Results Implementation Committees - tasked with the monitoring of all aspects of the parties' implementation of the municipal elections. This plan is established primarily to enable the international agencies to identify any individual, political party, authority or others who obstruct the implementation process, whereas the responsibility for actual implementation rests with the parties.

42. With the end of the year, the mandate of the Provisional Election Commission for supervision of the municipal elections will come to an end. Then, the OSCE Head of Mission will, according to the Election Implementation Plan, assess the overall electoral process and report to the OSCE Chairman-in-Office in the form of a municipal electoral process closure report. The final phase in the municipal electoral process ends with this report.

43. On 5 August the Republika Srpska President requested OSCE to extend - or to be more precise - expand its mission until the end of the year, in order to supervise the preparation and conduct of the extraordinary Republika Srpska National Assembly elections. It was understood that the voters register, created via the affirmative voter registration for the municipal elections, would constitute the basis for determining eligibility. It was also implied that the Provisional Election Commission rules and regulations, with only the necessary changes to accommodate the situation, would apply.

44. On 26 September, the OSCE Permanent Council formally decided to undertake the task of supervising the Republika Srpska National Assembly elections, to be held on a date proposed by the President of Republika Srpska in consultation with OSCE. Furthermore, the Permanent Council decided to supervise other elections to be held in Republika Srpska at a later date in accordance with constitutional provisions, taking note of an agreement between the Republika Srpska President and the Serb Member of the Bosnia and Herzegovina Presidency, signed in Belgrade on 24 September.

45. My office has continuously stressed that elections held in Bosnia and Herzegovina preceding the establishment of a Permanent Election Commission, must be supervised by OSCE to deserve the attributes of being free, fair and democratic. Furthermore, it is necessary that any such supervision is accompanied by the application of the Provisional Election Commission rules and regulations.

46. As elections are the confirmation of the constitutional system envisaged in the Peace Agreement, future elections in Bosnia and Herzegovina will be of paramount importance for the implementation of the Peace Agreement. Therefore, facilitating the establishment of the Permanent Election Commission is one of the most important tasks before my office. As envisaged in the first action plan drawn up during the Peace Implementation Conference in London on 4 and 5 December 1996, the Permanent Election Commission is to be established by an Election Law to be adopted by the Bosnia and Herzegovina Parliamentary Assembly; a first draft will be presented to the parties for their consideration in the near future.

Federation issues

47. Throughout the Federation, the political and security climate continued to improve. Refugee return, including to minority areas, is occurring especially in the Central Bosnia Canton and the Zenica-Doboj Canton. Freedom of movement does not seem to constitute a major problem any more. However, some worrisome developments also occurred, such as the car bombing in West Mostar on 18 September and several attacks on religious objects.

48. My office continued to deal extensively with Federation issues. Of particular note were a Federation Forum on 20 August and two high-level Federation meetings on the Central Bosnia Canton on 5 and 27 August.

49. On 4 September, the Sarajevo Canton Assembly adopted the constitutional amendments necessary to establish the city of Sarajevo. After municipal elections, the city must be established, with guaranteed representation for all three ethnic groups. The Office of the High Representative will closely follow the formation of the City Council, the election of a mayor, and changes in administration to ensure that all groups in the community share in the governance of the Bosnia and Herzegovina capital.

50. On 13 September, the Cantonal Assembly of the Herzegovina-Neretva Canton adopted amendments to the Cantonal Constitution concerning Mostar, thus unblocking the way for municipal elections in which all major parties in the Federation participated. The situation in Mostar, however, continues to be volatile with the Croat partner not yet having honoured its obligation to dissolve the Union of the three West Mostar municipalities.

51. In addition to Sarajevo and Gorazde, the two Cantons under a special regime, i.e. the Herzegovina-Neretva Canton and the Central Bosnia Canton, started the restructuring process for a new, unified Cantonal police. This joint police is now operational in a number of ethnically mixed municipalities, although problems persist in some municipalities. In light of their importance

for providing security, the establishment of joint police structures is a precondition for a large-scale return of displaced persons and refugees to minority regions.

52. In the Federation House of Peoples, HDZ interrupted its earlier blockade that had arisen from the absence of an agreement on the law on split and new municipalities, and in particular on the Croat populated Usora, and consented to the adoption and amendment of a number of important Federation laws, including the Federation budget for 1997. The question of split and new municipalities, especially Usora, however, remains on the agenda and will have to be resolved without further delay.

Republika Srpska issues

53. Since my last report (S/1997/542, annex), the constitutional and political crisis in the Republika Srpska has deepened. It had started with Republika Srpska President's suspension from office of the Minister of Interior on corruption and embezzlement charges. On 3 July, the President dissolved the Republika Srpska National Assembly on the grounds that it had become an "uncritical instrument of the informal centres of power", thus openly challenging the Serbian Democratic Party (SDS) leadership. Pale disregarded this decision, and the SDS members of the dissolved Assembly continued to meet. The Venice Commission, an advisory body of law experts under the auspices of the Council of Europe, confirmed on 10 July that the President acted within her rights and that the Republika Srpska Government could, until new elections, only continue its work in a caretaker capacity. On 15 August the Republika Srpska Constitutional Court ruled that the President's decision had been unconstitutional. This decision was the result of political pressure including a physical assault against one of the judges.

54. In parallel to the constitutional crisis, the security situation in the Republika Srpska worsened. On 10 July, SFOR, in accordance with its mandate under Annex 1 A of the Peace Agreement, tried to apprehend two persons who were subject of sealed indictments for war crimes in Prijedor. The result of this operation was one arrest and the death of the former chief of police of Prijedor. In response, the SDS leadership orchestrated a defamation campaign and launched attacks targeted against representatives of international organizations, thus escalating an already volatile situation. At the same time, Serb members of the Presidency and of the Council of Ministers temporarily ceased their cooperation in the common institutions.

55. As a clear signal of the international community's resolve to address these issues, IPTF and SFOR began to treat, as of 8 August, the Republika Srpska special police according to the rules and regulations laid down in Annex 1 A of the Peace Agreement. Security problems, however, continued. On 20 August, IPTF, supported by SFOR, undertook weapon checks in a series of police bases in Banja Luka. On 28 August acts of violence took place in Brcko including against my regional office.

56. Regarding the media situation, my office enhanced its support for independent media in Banja Luka and other parts of the Republika Srpska. On

30 August, the North Atlantic Council in response to my call has confirmed paragraph 70 of the Sintra Declaration and decided that SFOR could curtail or suspend media networks acting "in persistent and blatant contravention of either the spirit or the letter of the Peace Agreement". As an effort to get the Republika Srpska Television to cooperate seriously, my office, SFOR and Pale concluded the Udrigovo Agreement on 2 September, establishing the joint Media Support Advisory Group.

57. At the end of September, the Republika Srpska remains de facto split with its two power centres in Pale and Banja Luka. There are signs, however, that the key players might be willing to overcome this split and find, on the basis of constitutionality and cooperation with the international community, ways out of the present crisis situation. On 24 September, the Republika Srpska President and the Serb member of the Bosnia and Herzegovina Presidency agreed in Belgrade to hold Assembly elections in November and elections of Republika Srpska President as well as Republika Srpska member of Bosnia and Herzegovina Presidency in December. On 26 September, both Banja Luka and Pale agreed with IPTF to have the Republika Srpska police fully restructured.

Media

58. The general situation remains one of concern to the Office of the High Representative. "State" media continued to pursue a nationalist and inflammatory editorial line, although this is less severe in Bosniak media within the Federation. Recent events in Republika Srpska including the seizure of SRT transmitter sites by SFOR have underlined the continued abuse of accepted norms in democratic media standards; the Office of the High Representative will determine the necessary rules for SRT to broadcast in the future. Events in West Mostar have seen an explosion of inflammatory language; this issue has been raised within the Media Support and Advisory Group, chaired by the Office of the High Representative and will be dealt with accordingly.

59. Underscoring the Office of the High Representative's commitment to a free and democratic media within Bosnia and Herzegovina remains the development of a strong, independent and alternative source of information. The Open Broadcast Network (OBN) project continues to develop and now broadcasts to 60 per cent of the territory of Bosnia and Herzegovina, the project development continues to be hampered by late delivery of pledges by donor countries. Funding has now been agreed for the Office of the High Representative inspired Independent Print House project for Banja Luka; this will be a European Community supported project and will provide a guaranteed print facility for independent newspapers in Republika Srpska.

Return of refugees and displaced persons

60. My office has continued its efforts to support as well as coordinate international and national actors to facilitate return and repatriation, especially of persons who are returning to areas in which they would now be in the ethnic minority. These efforts have focused on overcoming of political obstacles to such returns in certain key areas as well as on supporting the

creation of the necessary conditions for return, also through an integrated approach to the reconstruction of housing, social and other infrastructure.

61. More than 80,000 refugees have repatriated to Bosnia and Herzegovina from countries in Europe since the beginning of the year and numerous displaced persons more have been able to go home. However, almost all have gone to so-called majority areas - parts of the country administered by their own ethnic group - because of continued political, security and administrative obstacles. Successful returns of so-called minorities have been limited, but then such movements have taken place in a more promising environment. Open Cities model, the political breakthrough achieved in the Central Bosnia Canton with Federation Government and international political support and some local return arrangements are noteworthy developments. In the Central Bosnia Canton, supported by the international community, the Cantonal authorities have prepared a return programme which foresees the immediate return of displaced persons to uninhabited houses and subsequent phased returns to inhabited houses and socially owned apartments. Under this plan, minority returns have already begun to previously blocked municipalities, such as Bugojno and Jajce. My Deputy, the late Ambassador Gerd Wagner, was instrumental in turning a negative incident of forced expulsions of newly returned displaced persons into a political incentive to overcome political attitudes that had blocked inter-Federation returns in Central Bosnia for all too long.

62. It is essential that limited international reconstruction funds be put to their optimum use. This also involves conditioning assistance to necessary political changes, and rewarding municipalities that support the peace process and withdrawing funds from non-compliant municipalities. My office has been advocating the development of mechanisms to deploy reconstruction assistance rapidly and flexibly in support of political openings, and will call on the major donor agencies to build such flexibility into their programmes for 1998.

63. The Coalition for Return gathers about 200 different associations of refugees and displaced persons from all over Bosnia and Herzegovina, the Federal Republic of Yugoslavia, Croatia and other host countries. The Coalition continues to be supported by my office. It operates two information centres, one each in Sarajevo and Banja Luka, the latter being in the process of starting up. The Coalition issues a monthly bulletin which is distributed throughout the country. Closely linked to the Coalition, a so-called roof project has been ongoing over the last few months, providing immediate and non-bureaucratic help for returnees through the network of the Coalition.

64. Finally, my office remains engaged in the chair of a working group on return and reconstruction in the zone of separation.

Freedom of movement

65. Freedom of movement continues to improve gradually. The key advances in the period described involve the recent signing of memoranda to reopen Tuzla, Mostar and Banja Luka airports to civilian traffic and the 26 September opening of the Gradiska border crossing between northern Bosnia and Herzegovina and Croatia. Gradiska and other northern crossing points to be opened soon will

enable freedom of movement for persons, goods and services between the Republika Srpska and Croatia.

66. The fact that international borders will now be open on all sides of Bosnia and Herzegovina will encourage efforts to press forward with uniform visa and customs policies throughout the country. Unilateral application of transit and visa fees by the Republika Srpska authorities has been a recurring problem. This must change, if the Republika Srpska authorities wish their citizens to share fully in the benefits of freer international travel and trade.

67. The IPTF implementation of its new checkpoint policy, with essential support from SFOR, is improving in effectiveness. Approvals for checkpoints have declined from some 350 daily in May to one or two dozen daily in recent weeks. Energetic dismantling of illegal checkpoints has shown local police that it is prudent to comply.

68. The 26 September agreement of the Republika Srpska authorities with IPTF to start immediately with police restructuring is another positive development. Restructuring would involve reduction of the police force from 20,000 to 8,500 personnel and intensive screening and training of remaining officers to ensure their adherence to democratic policing standards, as well as revision of rules of procedure. Effective implementation of the Republika Srpska police restructuring will be a key task for IPTF with the support of my office and SFOR.

69. Meanwhile, efforts are continuing to ensure compliance with police restructuring in the Federation, where progress in Herzegovina-Neretva and Central Bosnia Cantons has not been without difficulties.

Missing persons, mass graves

70. The issue of missing persons remains highly volatile due to its political importance as well as its personal importance to the surviving family members of the missing. The exact number of missing persons is still uncertain; the International Committee of the Red Cross (ICRC) has received tracing requests for more than 19,500 persons and to this date the status of 1,271 missing individuals have been clarified.

71. During the reporting period no major cross-inter-entity boundary line exhumations have taken place. The main reason being, different interpretations regarding the last agreement, and the political situation in the Republika Srpska. Exchange of mortal remains as well as exchange of bodies have, however, taken place between the parties.

72. Under the auspices of the International Expert Group on Exhumations and Missing Persons, chaired by the Office of the High Representative, several projects to assist the parties have been performed. Through international forensic pathologists and forensic anthropologists, the Physicians for Human Rights have been monitoring and providing technical assistance in three major exhumations, and have assisted in more than 150 post-mortem examinations. A new post-mortem protocol has been developed in order to standardize the collection

of data and it has been developed and tested in two major exhumations. In the ante mortem database project, 5,400 interviews have been made and the demographic information from informants has been computerized. Under the identification project deoxyribonucleic acid (DNA) tests have been carried out on bodies exhumed in 1996 from a mass grave in Srebrenica.

73. The International Commission on Missing Persons has continued to support family associations of missing persons as well as the ante mortem database and the identification project. Additional donations of equipment for exhumations and autopsies have also been delivered to the parties by the Commission. In order to address all issues relating to missing persons more effectively a substantial political will is required along with additional resources.

Humanitarian rights

74. Concrete steps need to be taken by the authorities to demonstrate their commitment to protecting human rights, a fundamental precondition to facilitating returns and to achieving social stability and economic development. These steps include changing laws that are not in compliance with the Constitution of Bosnia and Herzegovina, which incorporates the European Convention on Human Rights; improving security conditions and freedom of movement; protecting the right to fair trial and ensuring the rule of law; and providing opportunities for equal access to employment, housing, education and other public services, including documents.

75. The Sintra Declaration called for both Entities to amend their property laws to eliminate the substantial barriers to return. On 20 August the Federation Forum agreed that the three draft property laws prepared by the Office of the High Representative would be adopted by 30 September. Federation authorities have made some steps to meet that commitment - including its government's decision to present one of the draft laws to the Parliament - but all three laws need to be considered and adopted without further delay. At the same time, Republika Srpska authorities have taken no action to amend the existing law on abandoned property, which blocks return of refugees and displaced persons.

76. An unsatisfactory human rights situation prevails in both Entities. Violations of freedom of movement, harassment, violence, destruction of property and discrimination on the basis of ethnicity and political affiliation continue to be reported in many areas, most notably in the Republika Srpska. In a number of these cases, police have failed to take effective action to prevent or respond to incidents, and have not cooperated effectively with international monitors. In these respects, the situation remains fundamentally unchanged from my last report.

77. Many serious human rights violations which have occurred during the period described are related to the critical issue of return of refugees and displaced people. In Jajce, an IPTF investigation found that some 400-550 Bosniaks were forced to leave their homes as a result of police inaction in the face of intimidation, violence, arson and one murder. In Travnik, several violent crimes committed against Croats have given rise to concerns over the security

environment in the community, although most of these incidents appear to have motivations other than the ethnicity of the victims. There were a number of reported cases of human rights abuses committed on political grounds. Also of note during the reporting period is the continuation of the troubling pattern of attacks on religious sites. On 3 September, a Catholic church in Grbavica suffered minor damage in an explosion; on 25 September, a mosque in Tomislavgrad was seriously damaged by a bomb.

78. The extensive list of human rights obligations which form part of the Bosnia and Herzegovina Constitution must be brought into law through the adoption of implementing legislation and by a review of existing laws to determine their compatibility with international human rights standards. The Federation's expert team continues to work on reform of the criminal procedure code; similar efforts must be urgently undertaken within the Republika Srpska, and international institutions, including the Council of Europe, should be involved in the process.

79. Greater efforts must also be made by the authorities to inform the public both of their rights and of the legal framework which has been created to protect those rights. My office will continue to advocate for protection of the rights of those persons who fall victim to the substantial gap which currently exists between the standards set forth in the Bosnia and Herzegovina Constitution and existing law and to work with the Federation and the Republika Srpska authorities to establish mechanisms and procedures for inter-entity judicial cooperation.

Cooperation with the International Tribunal for the Former Yugoslavia and strengthening the rule of law

80. Cooperation with the International Tribunal for the Former Yugoslavia continues to be a key part of the process of peace implementation. The failure of responsible authorities, particularly the Republika Srpska, to hand over indicted persons presents a continuing threat to the peace process. The surrender of 10 Bosnian Croats to The Hague on 6 October was a much welcome step towards improved cooperation by Bosnian Croats and the Republic of Croatia. As of 7 October, only 4 of 18 Croats subject to publicly disclosed indictments remain at large and all 3 known Bosniaks indicted are held in The Hague. In contrast, just 3 of 54 Serbs indicted by the Tribunal are in custody (2 indicted Serbs are deceased).

81. International monitors and the media have documented and publicized the current whereabouts of a number of persons who have been indicted by the Tribunal, some of whom are believed to be working in a public capacity in the municipalities of Prijedor, Bosanski Samac and Foca.

82. The responsible authorities must take immediate steps to execute arrest warrants for persons indicted by the Tribunal and surrender all indicted persons to the Tribunal. Domestic laws and Constitutional provisions that are used as reasons for avoiding such steps are clearly superseded by the Bosnia and Herzegovina Constitution and Annexes of the Peace Agreement, and must be amended accordingly.

83. No new arrests in violation of the rules of the road occurred during the past three months. This fact alone illustrates that the rules of the road constitute an important deterrent to pretextual arrest, and are essential tools for building confidence in the domestic legal system. Nevertheless, the threat of unjustified arrest for war crimes remains a substantial obstacle to freedom of movement, in part because local authorities in both entities continue to refer repeatedly to "lists of war crimes suspects" which are wholly incompatible with the rules of the road process. The Ministers of Justice of the two entities have agreed to issue instructions to all relevant authorities informing them of their obligations under the rules, including their obligation to eliminate use of or reference to such lists. My office will continue to press the authorities to comply with the rules of the road and will intervene in cases in which the rules are violated and coordinate monitoring of war crimes cases and trials.

Economic reform and reconstruction

84. The Economic Department of my office coordinates with donor agencies and international financial institutions the international support for macroeconomics management, structural reform, economic reconstruction and refugee return. In addition, the Department will provide leadership on governance issues, a key part of the beginning anti-corruption effort. The Department is in urgent need for the secondment of economists with experience in public finance, public financial management and privatization.

85. During the reporting period six grant agreements were signed with the authorities in Bosnia and Herzegovina. The World Bank approved credits in the total amount of US$ 50 million for the financing of two projects with a total cost of $195 million. The Third Donors' Conference convened in July resulted in pledges exceeding $1.2 billion. With further pledges coming in, I am confident that the estimated reconstruction need of $1.4 billion will be met. The Conference conditioned disbursement of reconstruction aid on compliance with the Peace Agreement, and handed the task of implementing political conditionality to the Economic Task Force under my chairmanship.

86. The minimum legal framework for the Bosnia and Herzegovina economy was adopted in June. In the Federation, key legislation on privatization has been stalled over political disagreements regarding the assignment of the external debt obligations of banks and enterprises. In cooperation with the United States Treasury, I am working with the Bosniak and Croat leadership to resolve the issue. The London Club of commercial creditors reached an Agreement in Principle on debt restructuring involving a reduction of about 80 per cent in the net present value of commercial debt. A debt reduction deal with the Paris Club awaits the conclusion of an International Monetary Fund (IMF) Standby Agreement. Disagreement over the currency design and the ongoing crisis in the Republika Srpska continue to delay the Standby Agreement. However, the new Central Bank of Bosnia and Herzegovina has begun operating.

87. The reconstruction effort continues to be concentrated on infrastructure, with a strong emphasis on employment generation. In the third quarter, some 500 new contracts were signed. This raised the total number of contracts to date to

about 3,300 with an aggregate contract value of approximately $1.4 billion. However, major funding gaps remain in all major sectors. Political disagreements continue to impede the resumption of main railway services. Their resolution must remain a condition for further donor funding in the sector. In telecommunications, a viable interim solution has been reached with the signing by the Bosnia and Herzegovina Council of Ministers of the European Bank for Reconstruction and Development (EBRD) of a memorandum of agreed principles and the EBRD memorandum of understanding. This has opened the way for grants and concessionary credits for the financing of telecommunications infrastructure. The European Community project established the first inter-entity telephone link. Yet, conditionality will still be needed to secure further progress in the sector.

88. Under the supervision of my Deputy, Brcko Supervisor, some 320 families have returned to the Brcko area, and return applications of an additional 5,000 people have been approved. Compared to the pace of refugee return, infrastructure reconstruction and economic revitalization are lagging with the attendant consequences for the local labour market. At the Donors' Conference, the Brcko Supervisor called attention to the need for making revitalization of the economy an integral part of the return process, and donors responded by pledging funds. Project development and implementation, however, are not proceeding rapidly enough. A deteriorating health situation, furthermore, will require additional funding for a screening and vaccination programme.

89. The main impediments to a greater return of refugees have been the failure of both entities to make the changes in the property legislation as well as the political climate and economic destitution in the Republika Srpska. There have also been substantial resource constraints in the housing sector. The financing gap of $320 million-$420 million to fill the costs of the anticipated return was not adequately addressed either by loan or grant financing.

Civil aviation

90. A major success of the period described was the joint signing by the Co-chairman of the Bosnia and Herzegovina Council of Ministers of the memorandum of understanding for the new Bosnia and Herzegovina Department of Civil Aviation and the airport memorandums of understanding for Banja Luka, Mostar and Tuzla. The Office of the High Representative main effort is now focused on turning the concept of the Department of Civil Aviation into a fully operational and responsible central body and on opening the airports to civilian air traffic.

91. The formation of an international secretariat which is the key to providing arbitration within the Department of Civil Aviation during its infancy will be the priority task of my office. The secretariat, chaired by the Office of the High Representative initially, will comprise aviation experts from the International Civil Aviation Organization (ICAO), Eurocontrol and the Federal Aviation Authority joined by other influential players from the European Community (Aviation Policy), the North Atlantic Treaty Organization (NATO) and the Supreme Headquarters Allied Powers, Europe (SHAPE). The first joint meeting of these agencies took place on 8 October; it is expected that the main personnel will commence detachments to Sarajevo. I remain convinced that the

regeneration of civil aviation is pivotal to the economic and social recovery of Bosnia and Herzegovina and the topic will continue to be a high priority on my agenda.

Mine clearance

92. I have agreed to a request by the United Nations Mission in Bosnia and Herzegovina (UNMIBH) that the Office of the High Representative should become fully involved in the formulation of the new Bosnia and Herzegovina national demining organization. The Office of the High Representative's greater participation is required to ensure the structure's adoption by the Council of Ministers and to ease the anxieties of those donors who have been sceptical of the United Nations contribution to Bosnia and Herzegovina demining so far. As a result the representatives of UNMIBH and the Office of the High Representative will chair an Interim Steering Committee which will be attended by the European Union, World Bank, Mine Action Centre (MAC) and others. The aim of the group is to bring together a powerful body of key donors who can ensure that the final demining organization structure meets necessary requirements, and focus pressure onto the indigenous Bosnia and Herzegovina organization in order to build a Bosnia and Herzegovina national demining structure that is both transparent and accountable. After 1 January 1998 the Interim Steering Committee will form into a Steering Committee, which will maintain the required oversight of the national organization that will replace MAC.

IV. COOPERATION WITH THE STABILIZATION FORCE

93. Cooperation with SFOR, whose role is essential in providing the secure environment necessary for civilian implementation, remains excellent. I am pleased that SFOR will remain at phase III troop levels for the foreseeable future and welcome the open debate regarding the need for a stable environment for civilian implementation beyond the end of the SFOR mandate in June 1998. On a more practical level my work and that of my principal staff, is becoming increasingly hampered by the lack of available air transport within, and to and from, theatre. Any additional support that could be provided would be most welcome.

V. LOOKING FORWARD

94. The successful implementation of the municipal election results will be a major challenge in the coming months. The Election Implementation Plan, endorsed in Sintra, establishes a two-stage certification period which will close with the establishment of a functioning municipal assembly and election of municipal authorities that fairly represent the election results. To this end, an inter-agency monitoring mechanism will enable the identification of any body that is obstructing the implementation process. In consultation with OSCE, I may ultimately need to take appropriate action should implementation be incomplete, however the responsibility for the installation of elected candidates, their personal safety and for a fully functioning Municipal

Assembly, lies squarely on the shoulders of the political parties and the local authorities.

95. This is a significant task and an important step forward in the realization of the peace process. Moreover, while I support the close attention being paid to the prospect of other elections which might be held within the Republika Srpska, these should not be allowed to detract from the satisfactory implementation of the municipal election results. The international supervision of these other elections will make technical and financial demands which should be reflected in realistic target polling dates. The principle is clear: until the establishment of the Permanent Election Commission - provided for under Annex 3 - OSCE must be satisfied that all elections can be said to be free, fair and democratic. Any such supervision must be accompanied by the strict application of the rules and regulations relating to the rules for eligibility to vote.

96. The establishment of the Permanent Election Commission is one of the key tasks facing the authorities and my office in the coming months. It is to be established by an Election Law to be adopted by the Bosnia and Herzegovina Parliamentary Assembly. To this end, I have engaged experts to prepare a first draft which will be presented to the authorities for their consideration in the near future. I must emphasize, however, that international supervisory elements, at least for a transitional period, need to be built into the Election Law.

97. The creation of open and independent media is crucial, not only for the electorate to be fully informed of the choices available, but also for the creation of a democratic society in Bosnia and Herzegovina. I will continue to insist on dramatic media reform, not only in the Republika Srpska, but in the Federation as well. Media abuse will be dealt with in a robust manner reflecting the powers I was given in the Sintra Declaration. I will not hesitate to recommend action, similar to that taken by SFOR in the Republika Srpska, against other media outlets should it be required. West Mostar television, for example, has been a source of concern and will receive greater scrutiny over the coming months.

98. The use of force to achieve compliance can produce results in the short term. However to achieve real reform of the media, alternative programming, monitoring and legislation, is required. The OBN footprint is rapidly expanding; I also intend to insert public information programming into media networks. Until media laws have been adopted by the two Entities, I intend to create, as a successor to the Media Experts Commission, an independent Media Standards and Licensing Commission. This Commission will provide the interim legal framework through which broadcasting media will be licensed and regulated. My office is currently developing the working procedures of the Media Support and Advisory Group which will form the executive body administering the powers granted to me in Sintra.

99. I remain deeply concerned regarding the lack of resources - both financial and in kind - for IPTF. Considerable steps forward have been made with the police restructuring in the Federation, however, stagnation is likely if the resources necessary to enable IPTF to carry through the reforms are not

forthcoming. Likewise, the recent agreement on restructuring in the Republika Srpska could lose momentum. I urge nations rapidly to commit the funds requested.

100. There has been some progress in the Common Institutions of Bosnia and Herzegovina and a number of the tasks established in the Sintra Declaration have been achieved. However, on issues of substance such as citizenship and passports laws and common flag, the Serb members of the Common Institutions continue to obstruct. I do not believe that non-compliance measures in isolation have the desired effect; we will be developing other means for overcoming blockages. In particular, I believe we should consider the possibility of strengthening my mandate to allow me, with the support of the authorities of Bosnia and Herzegovina, to arbitrate on issues where agreement cannot be reached. It is essential that, while assisting them to move forward, we do not undermine the powers of the Common Institutions or the idea of consensus enshrined in the Constitution of Bosnia and Herzegovina.

101. The Common Institutions remain fragile and require our support, however, they must assume the responsibility given them by the electorate. To this end, they must urgently resolve the issues of location and administrative services, without which their work is superficial. My office continues to assist them with logistical and secretarial support, a situation I consider unacceptable. The emphasis over the next few months will therefore be on the establishment of fully functioning bodies capable of carrying forward the workload on their own.

102. I welcome the emergence of an opposition within the Republika Srpska leadership and a direct challenge to the corrupt and deceitful regime in Pale. It is important however to note that alternative voices are not necessarily the voices of reason or peace. Whoever exercises constitutional power following the forthcoming elections will be tightly held to all the Republika Srpska obligations under the Peace Agreement.

103. Ultimately, significant changes in the attitude of the authorities in the Republika Srpska are impossible so long as indicted war criminals remain at large. In particular, the continued and active political influence of R. Kradzic directly obstructs implementation and threatens the security and integrity of Republika Srpska. The complete failure by the Federal Republic of Yugoslavia to fulfil its obligations under the Peace Agreement in this respect is unacceptable. All competent authorities are reminded of their obligations to submit suspected war criminals to the Tribunal and, while I note the role of Croatia in facilitating the voluntary appearance at The Hague of 10 indicted Bosnian Croats, a great deal more remains to be done on all sides. This issue must be urgently resolved.

104. The situation in the Federation has seen some improvements over the last few months, most notably there have been significant minority returns of displaced people within Central Bosnia. I must emphasize the crucial role that my Deputy, the late Ambassador Gerd Wagner, played in facilitating this breakthrough. I urge the authorities in the Federation to continue this process and I look to the international community to reward such developments with fast and flexible deployment of resources and funding to facilitate reconstruction and return.

105. In Mostar, I welcome the removal of some of those who have actively obstructed reconciliation and progress and expect positive engagement by their successors. However, the situation there remains volatile in particular due to the fact that the three West Mostar municipalities have not yet been dissolved. I will recommend that non-compliance measures, such as the denial of travel visas, be applied to all officials I perceive as actively blocking the peace process.

106. On the wider issue of refugee return which has been far from satisfactory in 1997, current property laws remain a serious impediment. Despite the Sintra obligation to amend the laws, neither Entity has complied. I will therefore be recommending non-compliance measures at the November meeting of the Steering Board.

107. In Brcko, we are approaching the crucial phase of establishing a multi-ethnic administration, police and judiciary. Both the Republika Srpska and the Federation are reminded that the implementation of this phase and their compliance with all orders of the Supervisor, will have a direct bearing on the final award. Funds are urgently required to support the economic revitalization essential to establishing a multi-ethnic society in Brcko and facilitating the phased and orderly return process. To this end, I will be calling for a conference to address these issues.

108. Completing the task of establishing and making operational the common institutions of economic management remains a priority of my office. Increasingly, however, the focus will shift to creating the conditions for sustained growth well before international reconstruction assistance comes to an end. I believe that the current political crisis in Republika Srpska will result in a firmer commitment to the Peace Agreement; this will finally open the way for starting the economic recovery in Republika Srpska which already has benefited the Federation in an impressive manner. I urge donors to reward such change rapidly and decisively. While economic recovery reinforces the peace process by giving all groups a stake in the common future, I will also use reconstruction assistance as a lever for directly furthering specific political objectives.

109. With the opening of the Central Bank in August, all common institutions have now resumed their work. The minimum set of basic legislation, the so-called quick start package was also adopted. However, much remains to be done. Overdue tasks include: issuance of the common currency, implementation of the common customs tariff schedule; installing the administrative capacity of the Council of Ministers; and adopting the Foreign Investment Law. In addition, my office is working with international agencies and local authorities on a second set of essential legislation on the State level in the areas of customs, civil aviation, frequency management and telecommunications.

110. Private investment and exports must increasingly replace reconstruction assistance as the dominant sources of growth. The transition to a market economy is key. In close cooperation with the World Bank, the European Commission, the United States Treasury and the United States Agency for International Development, my office is focusing on getting the privatization process started, modernizing the framework for domestic and foreign investment,

reforming the social security system as a prerequisite for easing the excessive burden of contributions, and approximating basic commercial laws to the standards of the European Union.

111. The Third Donors' Conference has agreed to the repeated suggestions of the Peace Implementation Council that political conditionality be applied to reconstruction assistance, and has given the Economic Task Force under my chairmanship the mandate for implementing political conditionality. I expect that a new structure I am setting up in the Office of the High Representative will succeed in using the potential leverage.

112. I intend to take the lead in the fight against corruption and diversion of funds, which causes growing concern in the international community. My office, with the support of the World Bank and other main donors, has shown that the source of corruption is not the use of reconstruction aid, but rather opportunities for the evasion of customs duties and sales taxes, and for the misappropriation of domestic public funds. I have requested the Economic Task Force to develop a comprehensive anti-corruption strategy in Bosnia and Herzegovina. An essential part of it will be the establishment of an inter-agency group with local participation as means to raise public awareness of the problem and create consensus on the necessary reforms.